

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

LARRY HYCHE,

Plaintiff,

v.

EQUIFAX INFORMATION SERVICES, LLC;
EXPERIAN INFORMATION SOLUTION,
LLC; TRANS UNION, LLC; AND
NATIONSTAR MORTGAGE, LLC,

Defendants.

Case No. 3:19-CV-02450

Hon. Sam R. Cummings

**DEFENDANTS EXPERIAN INFORMATION SOLUTIONS, INC.,
EQUIFAX INFORMATION SERVICES LLC, AND TRANS UNION LLC’S MOTION
FOR JUDGMENT ON THE PLEADINGS OR, IN THE ALTERNATIVE, TO STAY THE
PROCEEDINGS**

Pursuant to Federal Rule of Civil Procedure 12(c), Defendant Experian Information Solutions, Inc. (“Experian”), Equifax Information Services LLC (“Equifax”), and Trans Union LLC (“Trans Union” and, collectively, “Defendants”) respectfully move this Court to dismiss all of Plaintiff’s claims.

Defendants move for dismissal of Plaintiff’s claims pursuant to Rule 12(c) for the following reasons:

1. Plaintiff’s claims under 15 U.S.C. §§ 1681e(b) and 1681i of the Fair Credit Reporting Act (“FCRA”) incorrectly assume that credit reporting agencies have an affirmative duty to report credit accounts that does not exist in law; and
2. Plaintiff fails to plausibly allege that Defendants willfully violated 15 U.S.C. §§ 1681e(b) or 1681i because Defendants’ interpretation of the FCRA is consistent with the judgment of multiple courts, as well as the guidance of persuasive regulatory authorities.

Alternatively, Defendants respectfully move this Court to stay the case until a resolution has been reached in the 5th Circuit case of *Hammer v. Equifax Info. Servs. LLC, et al.*, No. 3:18-CV-1502-C, 2019 WL 7602463 (N.D. Tex. Jan. 16, 2019), *appeal docketed*, 19-10199 (5th Cir. filed Feb. 18, 2019).

Defendants respectfully requests that this Court grant its Motion for Judgment on the Pleadings. Defendants also pray for any additional relief to which this Court deems it entitled.

Respectfully submitted May 18, 2020.

/s/ Molly J. Russell

Molly J. Russell
Texas Bar No. 24118518
mrussell@jonesday.com
Jones Day
2727 N. Harwood St.
Dallas, TX 75201
Telephone: (214) 969-5016
Facsimile: (214) 969-5100

*Counsel for Defendant Experian Information
Solutions, Inc.*

/s/ Anna K. Olin

Anna K. Olin
State Bar No. 24102947
CLARK HILL STRASBURGER
901 Main Street, Suite 6000
Dallas, Texas 75202
Tel: (214) 651-4300 Telephone
Fax: (214) 651-4330
anna.olin@clarkhillstrasburger.com

Attorney for Equifax Information Services LLC

/s/ Sarah Sublett

Sarah Sublett
Texas State Bar No. 24062788
QUILLING, SELANDER, LOWNDS,
WINSLETT & MOSER, P.C.
6900 Dallas Parkway, Ste. 800
Plano, TX 75024

Telephone: (214) 560-5450
Facsimile: (214) 871-2111
ssublett@qslwm.com

Attorney for Trans Union LLC

CERTIFICATE OF CONFERENCE

I hereby certify that on May 8, 2020 counsel for Experian conferred with Plaintiff's counsel. Plaintiff indicated that he does not oppose staying the present case pending a resolution of *Hammer v. Equifax Info. Servs. LLC, et al.*, No. 3:18-CV-1502-C, 2019 WL 7602463 (N.D. Tex. Jan. 16, 2019).

/s/ Molly J. Russell

Molly J. Russell

CERTIFICATE OF SIGNATURE REQUIREMENTS

I hereby certify that counsel for Equifax Information Services LLC and Trans Union LLC have consented for their signatures to be included on this filing.

/s/ Molly J. Russell

Molly J. Russell

CERTIFICATE OF SERVICE

I hereby certify that on May 18, 2020, I caused the foregoing to be electronically filed with the clerk of court for the U.S. District Court for the Northern District of Texas, by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record, a true and correct copy of the foregoing instrument and all attachments.

/s/ Molly J. Russell

Molly J. Russell